

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL THOMAS BAD OLD
MAN,

Defendant.

CR-13-76-GF-BMM

ORDER

United States Magistrate Judge Kathleen L. DeSoto entered Findings and Recommendations in this matter on July 23, 2020. (Doc. 36.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge DeSoto's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge DeSoto conducted a revocation hearing on July 08, 2020. (Doc. 33.) The United States accused Bad Old Man of violating his conditions of supervised release 1) by consuming alcohol. (Doc. 130).

At the revocation hearing, Bad Old Man admitted that he had violated the conditions of his supervised release: 1) by consuming alcohol. (33.) Judge DeSoto found that the violation Bad Old Man admitted proved to be serious and warranted revocation, and recommended that Bad Old Man receive a custodial sentence of 1 month, with 35 months of supervised release to follow with the first 2 months of supervised release in inpatient treatment at Connections Corrections. Judge DeSoto recommended that this sentence run concurrent with the sentence imposed in CR-13-76-GF-CMM. Bad Old Man was advised of the 14 day objection period and his right to allocute before the undersigned. (Doc. 33.)

The violations prove serious and warrant revocation of Bad Old Man's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge DeSoto's Findings and Recommendations (Doc. 36) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendant Michael Thomas Bad Old Man be incarcerated for a term of 1 months of custody, with 35 months of supervised release to follow. Bad Old Man should serve the first 2 months of

supervised release in inpatient treatment at Connections Corrections. This sentence shall run concurrent with the sentence imposed in CR-13-52-GF-BMM.

DATED this 23rd day of June, 2020.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable.

Brian Morris, Chief District Judge
United States District Court